

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

BRINKER MANUFACTURING)
JEWELERS, INC. D/B/A BRINKER'S)
JEWELERS and SOUTH CENTRAL)
COMMUNICATIONS CORPORATION)
D/B/A SOUTH CENTRAL DIGITAL,)
)
Plaintiffs,)
)
v.) 3:14-cv-134-JMS-WGH
)
ROGERS GALLERIA JEWELERS,)
LLC D/B/A THE DIAMOND GALLERIA)
BY ROGERS, TYNA WHEAT, and)
SHARON SARTORE,)
)
Defendants.)

**MAGISTRATE JUDGE'S ORDER ON
INITIAL PRETRIAL CONFERENCE**

This matter came before the Honorable William G. Hussmann, Jr., United States Magistrate Judge, by telephone, at 10:00 a.m., on March 20, 2015, for a conference under Rule 16, Federal Rules of Civil Procedure. Plaintiffs were represented by counsel, Jean Marie Blanton and Amy J. Everhart. Defendants were represented by counsel, Jessica Huston Polakowski and Andrea M. Davenport.

In lieu of a case management plan at this time, the following **ORDERS** are entered:

1. The parties may commence discovery.
2. The parties shall exchange initial disclosures under Fed. R. Civ. P. 26(a)(1) on or before April 20, 2015.

3. The parties may begin the exchange of interrogatories and requests for production of documents. Depositions will be allowed. The Magistrate encourages an agreement that depositions of the individually-named Defendants be deferred until a ruling on a motion to dismiss, but will not prohibit those depositions from being taken at this time.

4. A **SETTLEMENT CONFERENCE** is set for **WEDNESDAY, JULY 29, 2015**, at 9:00 a.m., Evansville time (CDT), before the Magistrate Judge in Room 328, Federal Building, Evansville, Indiana. Clients with full settlement authority are to be present in person at this conference. (See attachment for particulars, including description of which client(s) must attend.)

5. The Magistrate will establish a schedule for completion of discovery and the filing of motions and will set a trial date at the July 29 settlement conference, if the case is not resolved at that time.

This order has been formulated after a conference at which the respective parties have appeared. Any party shall file any corrections or additions within fourteen (14) days after receipt of this order.

SO ORDERED.

Dated: March 27, 2015



WILLIAM G. HUSSMANN, JR.
Magistrate Judge

Served electronically on all ECF-registered counsel of record.

**SETTLEMENT CONFERENCES BEFORE
U.S. MAGISTRATE JUDGE WILLIAM G. HUSSMANN, JR.**

Unless excused by order of the court, clients or client representatives with complete authority to negotiate and consummate a settlement shall attend the settlement conference, **in person**, along with their counsel. This requires the presence of each party, or the authorized representative of each corporate, governmental, or other organizational entity. For a defendant, such representative must have final settlement authority to commit the organization to pay, **in the representative's own discretion**, a settlement amount up to the plaintiff's prayer, or up to the plaintiff's last demand, whichever is lower. For a plaintiff, such representative must have final authority, **in the representative's own discretion**, to authorize dismissal of the case with prejudice, or to accept a settlement in the amount of the defendant's last offer. Any insurance company that is a party, or is contractually required to defend or indemnify any party, in whole or in part, must have a fully authorized settlement representative present at the conference. Such representative must have final settlement authority to commit the company to pay, **in the representative's own discretion**, an amount within the policy limits, or up to the plaintiff's last demand, whichever is lower. Counsel are responsible for timely advising any involved non-party insurance company of the requirements of this order. The purpose of this requirement is to have in attendance a representative who has both the authority to exercise his or her own discretion, and the realistic freedom to exercise such discretion without negative consequences, in order to settle the case during the settlement conference without consulting someone else who is not present.

Each party shall submit (not file) a confidential settlement statement directly to the Magistrate Judge no later than two business days prior to the conference, setting forth the relevant positions of the party concerning factual issues, issues of law, damages, and the settlement negotiation history of the case, including a recitation of any specific demands and offers that have been conveyed. **The settlement statement should not exceed five (5) pages, and should only include critical exhibits.**

Any request to continue this conference must be in motion form and filed with the court no later than one week prior to the conference, except for emergencies.

**You are reminded of your obligation under Local Rule 16.1(c) which states:
“Prior to all court conferences, counsel shall confer to prepare for the conference.”**

(Revised 12/9/2010)